



General Assembly

January Session, 2015

Raised Bill No. 7011

LCO No. 5172



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE AUTHORITY OF ANIMAL CONTROL
OFFICERS IN COMMON INTEREST COMMUNITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22-332d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) Any animal control officer for a municipality which has adopted
5 an ordinance under subsection (b) of section 22-339d may take into
6 custody any cat found to be: [damaging property] (1) Damaging: (A)
7 Property other than property of its owner or keeper, or (B) property
8 that is part of the common elements of a common interest community,
9 as defined in section 47-202, or (2) causing an unsanitary, dangerous or
10 unreasonably offensive condition unless such cat can be identified as
11 under the care of its owner or a registered keeper of feral cats. The
12 officer shall impound such cat at the pound serving the town where
13 the cat is taken unless, in the opinion of a licensed veterinarian, the cat
14 is so injured or diseased that it should be destroyed immediately, in
15 which case the municipal animal control officer of such town may

16 cause the cat to be mercifully killed by a licensed veterinarian or
17 disposed of as the State Veterinarian may direct. The municipal animal
18 control officer shall immediately notify the owner or keeper of any cat
19 so taken, if known, of its impoundment. If the owner or keeper of any
20 such cat is unknown, the officer shall immediately tag or employ such
21 other suitable means of identification of the cat as may be approved by
22 the Chief Animal Control Officer and shall promptly cause a
23 description of such cat to be published once in the lost and found
24 column of a newspaper having a circulation in such town.

25 Sec. 2. Subsection (b) of section 22-339d of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective from*
27 *passage*):

28 (b) A municipality may adopt an ordinance providing that no
29 person owning or keeping any cat shall permit such animal to (1)
30 substantially damage property other than the property of the owner or
31 keeper, (2) substantially damage property that is part of the common
32 elements of a common interest community, as defined in section 47-
33 202, or [(2)] (3) cause an unsanitary, dangerous or unreasonably
34 offensive condition. Violation of such provision shall be an infraction.

35 Sec. 3. Section 22-357 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective from passage*):

37 If any dog does any damage to either the body or property of any
38 person, the owner or keeper, or, if the owner or keeper is a minor, the
39 parent or guardian of such minor, shall be liable for the amount of
40 such damage, except when such damage has been occasioned to the
41 body or property of a person who, at the time such damage was
42 sustained, was committing a trespass or other tort, or was teasing,
43 tormenting or abusing such dog. If a minor, on whose behalf an action
44 under this section is brought, was under seven years of age at the time
45 such damage was done, it shall be presumed that such minor was not
46 committing a trespass or other tort, or teasing, tormenting or abusing

47 such dog, and the burden of proof thereof shall be upon the defendant
48 in such action. For the purposes of this section, "property" includes,
49 but is not limited to, a companion animal, as defined in section 22-351a
50 and the common elements of a common interest community, as
51 defined in section 47-202, and "the amount of such damage", with
52 respect to a companion animal, includes expenses of veterinary care,
53 the fair monetary value of the companion animal and burial expenses
54 for the companion animal.

55 Sec. 4. Section 22-358 of the general statutes is amended by adding
56 subsection (i) as follows (*Effective from passage*):

57 (NEW) (i) For purposes of this section, the premises of the owner or
58 keeper of a dog, cat or other animal shall not be deemed to include any
59 property that is part of the common elements of a common interest
60 community, as defined in section 47-202.

61 Sec. 5. Subsection (a) of section 22-364 of the general statutes is
62 repealed and the following is substituted in lieu thereof (*Effective from*
63 *passage*):

64 (a) No owner or keeper of any dog shall allow such dog to roam at
65 large upon the land of another, including, but not limited to, any
66 property that is part of the common elements of a common interest
67 community, as defined in section 47-202, and not under control of the
68 owner or keeper or the agent of the owner or keeper, nor allow such
69 dog to roam at large on any portion of any public highway and not
70 attended or under control of such owner or keeper or his agent,
71 provided nothing in this subsection shall be construed to limit or
72 prohibit the use of hunting dogs during the open hunting or training
73 season. The unauthorized presence of any dog on the land of any
74 person, including, but not limited to, any property that is part of the
75 common elements of a common interest community, as defined in
76 section 47-202, other than the land of the owner or keeper of such dog,
77 or on any portion of a public highway when such dog is not attended

78 by or under the control of such owner or keeper, shall be prima facie
79 evidence of a violation of the provisions of this subsection. Violation of
80 any provision of this subsection shall be an infraction.

81 Sec. 6. Section 22-364a of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective from passage*):

83 Any person who intentionally or recklessly releases a domestic
84 animal that enters upon the real property of another person and causes
85 damage to such real property in an amount in excess of one hundred
86 dollars shall have committed an infraction. For purposes of this
87 section, "real property" includes, but is not limited to, any property
88 that is part of the common elements of any common interest
89 community, as defined in section 47-202.

90 Sec. 7. Section 22-364b of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective from passage*):

92 The owner or keeper of a dog shall restrain and control such dog on
93 a leash when such dog is not on the property of its owner or keeper or
94 is on property that is part of the common elements of any common
95 interest community, as defined in section 47-202, and is in proximity to
96 a blind, deaf or mobility impaired person accompanied by his guide
97 dog, provided the guide dog is in the direct custody of such blind, deaf
98 or mobility impaired person, is wearing a harness or an orange-colored
99 leash and collar which makes it readily-identifiable as a guide dog and
100 is licensed in accordance with section 22-345. Any person who violates
101 the provisions of this section shall have committed an infraction. If an
102 owner or keeper of a dog violates the provisions of this section and, as
103 a result of such violation, such dog attacks and injures the guide dog,
104 such owner or keeper shall be liable, as provided in section 22-357, as
105 amended by this act, for any damage done to such guide dog, and such
106 liability shall include liability for any costs incurred by such blind, deaf
107 or mobility-impaired person for the veterinary care, rehabilitation or
108 replacement of the injured guide dog and for reasonable attorney's

109 fees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-332d(a)
Sec. 2	<i>from passage</i>	22-339d(b)
Sec. 3	<i>from passage</i>	22-357
Sec. 4	<i>from passage</i>	22-358
Sec. 5	<i>from passage</i>	22-364(a)
Sec. 6	<i>from passage</i>	22-364a
Sec. 7	<i>from passage</i>	22-364b

Statement of Purpose:

To provide animal control officers with the authority to enter common elements of common interest communities in order to carry out their duties.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]